

PATENT

Atty Docket No.: 70006210-1

App. Scr. No.: 09/834,255

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks.

Claims 1, 6, 16, and 17 have been amended without prejudice or disclaimer of the subject matter contained therein. Claims 1-3, 5-10, 16, and 17 therefore remain pending in the present application, of which, Claims 1, 6, 16, and 17 are independent claims.

No new matter has been added by way of the claim amendments; entry thereof is therefore respectfully requested.

Personal Interview Conducted

The Examiner is respectfully thanked for the courtesies extended during the personal interview conducted with the undersigned on January 12, 2005. During that interview, some of the differences between the present invention and the cited references were discussed. In addition, it was agreed that neither Hailey et al. nor Montagna et al. discloses simultaneously and repeatedly performing a zoom action on an image as the center of zoom is moved across the screen on which the image is displayed.

To further illustrate this difference between the claimed invention and the cited documents of record, independent Claims 1, 6, 16, and 17 have been amended to more clearly indicate that the zoom action is performed simultaneously and repeatedly as a stylus is moved across the screen. As such, Claims 1, 6, 16, and 17 more clearly recite that the amount of zoom performed on the image and the center of zoom action is continuously varied as the stylus is moved across the screen.

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As the amendments to Claims 1, 6, 16, and 17 have been made to more clearly define the previously claimed continuous zoom action and movement of the center of zoom action, entry of these amendments is respectfully requested.

Drawings

The acknowledgement of the Drawings submitted on July 30, 2001 is noted with appreciation. Because there have been no formal objections to these drawings, the Applicant will assume that the drawings have been accepted. Should this assumption be in error, the Examiner is respectfully requested to notify the Applicant in a subsequent communication.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

The Official Action sets forth a rejection of Claims 1-3, 5-8, 10, 16, and 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the disclosures contained in U.S. Patent

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No. 5,602,870 to Hailey et al. in view of U.S. Patent No. 4,899,292 to Montagna et al. This rejection is respectfully traversed because Hailey et al. and Montagna et al., considered singly or in combination, fail to disclose the invention as set forth in independent Claims 1, 6, 16, and 17 of the present invention and the claims that depend therefrom.

As discussed and agreed upon during the personal interview, neither Hailey et al. nor Montagna et al. discloses the general concept of tracking the movement of a stylus and moving a zoom center according to the tracked movement of the stylus while simultaneously and repeatedly performing a zoom action on the image with the zoom center following the tracked movement. Claims 1, 6, 16, and 17 of the present invention have been amended to include these features.

Claim 1 has been amended to include that the,

zoom means detects the image point indicated by said stylus on said screen while the stylus is moved across said screen, and simultaneously and repeatedly performs a zoom action on said image...to thereby one of continuously enlarge and reduce the image as the stylus is moved across the screen with the center of the zoom action following the movement of the stylus.

Claim 6 has been amended to include that the point of contact of the stylus on a screen is detected as the stylus is moved across the screen and that the zoom action is simultaneously and repeatedly performed with the center of zoom action being set to the moving detected point of contact of the stylus.

Claim 16 has been amended to include that a zoom action is simultaneously and repeatedly performed with the center of the zoom action following the movement of the stylus.

Claim 17 has been amended to include that the center of zoom action is moved in accordance with the movement of the "stylus across the screen and simultaneously performing said zoom action to thereby one of continuously enlarging and reducing the

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image as the stylus is moved across the screen with the center of the zoom action following the movement of the stylus.”

In contrast to the present invention as set forth in amended Claims 1, 6, 16, and 17, Hailey et al. discloses a digital signal processing method for implementing a continuous zoom to a digital image. (column 5, line 47). In describing the digital signal processing method, Hailey et al. fails to disclose that the movement of a stylus is tracked and that a zoom action is simultaneously and repeatedly performed with the center of the zoom action following movement of the stylus.

In an effort to make up for some of the deficiencies in Hailey et al., the Official Action relies upon Montagna et al. for its disclosure of a zoom action performed on an image in response to the screen on which the image is displayed being contacted. Montagna et al. also, however, fails to disclose that the zoom action is simultaneously and repeatedly performed with the center of the zoom action following movement of the stylus. Therefore, even assuming for the sake of argument that one of ordinary skill in the art would be motivated to combine the disclosures of Hailey et al. and Montagna et al. as asserted in the Official Action, the proposed combination would still fail to disclose all of the features claimed in Claims 1, 6, 16, and 17 of the present invention.

Accordingly, it is respectfully submitted that the Official Action has failed to establish that Claims 1, 6, 16, and 17 are *prima facie* obvious in view of the disclosures contained in Hailey et al. and Montagna et al., whether these documents are considered singly or in combination. The Examiner is therefore respectfully requested to withdraw the rejection of Claims 1, 6, 16, and 17 and to allow these claims.

Claims 2, 3, 5, and 7-10 are also allowable over Hailey et al. and Montagna et al. at least by virtue of their respective dependencies upon allowable Claims 1 and 6.

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Conclusion


In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: January 25, 2006

By



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